

### REMARKS

Claims 1-22 are pending in the present application. Reconsideration of the claims is respectfully requested.

#### **I. Response to Examiner's Remarks**

The Final Office Action reiterates the rejection of claims 1-22 under 35 U.S.C. § 102(e) over Wolff et al. (U.S. Patent No. 6,044,367) which was addressed by Applicant's arguments in the Response filed November 26, 2001, the remarks of which are incorporated herein by reference. In summary, Applicant's arguments are:

- 1) Wolff does not teach a server that responds to a set of server names, as recited in independent claims 1, 12 and 21;
- 2) Wolff does not teach a function being executed in a server name context, as recited in independent claims 1, 12 and 21;
- 3) Wolff does not teach identifying a membership of a resource within the set of resources for the server name context, as recited in claim 3;
- 4) Wolff does not teach generating a server name tag for the server name, wherein the membership of the resource in the set of resources is identifiable by the server name tag associatively stored with the resource, as recited in claim 4.
- 5) Wolff does not teach a server name tag being generated based on a value of the server name and a value derived from a data structure that stores a server name, as recited in claim 5;
- 6) Wolff does not teach that a value derived from the data structure is a position value of the server name within a server name table that stores the set of server names, as recited in claim 6;
- 7) Wolff does not teach locating the server name in an entry of a server name table, obtaining a location index for the entry, or generating a server name mask based on the location index, as recited in claim 8;

8) Wolff does not teach server name masks and, therefore, Wolff cannot be found to teach the specific features recited in claims 9-11 that reference server name masks; and

9) Wolff does not teach the features of claims 12-20 for the same reasons as set forth with regard to claims 1-6, 8, 9 and 10.

In response to Applicant's arguments, the Final Office Action merely states:

Examiner respectfully disagrees. Wolff clearly discloses the server responding to requests directed to a set of server names and executing the function in a server name context on the server as directed by the input specifying the server name (i.e., using some administrative servers such as 104B and 106B of fig. 1A to handle requests from normal client 100A, then the server 106B passes the I/O request via a path to the administrative server, see fig. 1A, 1B, 2A, col. 4 line 14 to col. 5 line 67 and col. 6 line 31 to col. 7 line 58).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *in re McLaughlin*, 443 F. 2d 1392, 170 USPQ 209 (CCPA 1971).

Therefore, the examiner asserts that Wolff teaches or suggests<sup>1</sup> the subject matter broadly recited in independent claims 1, 12 and 21 as required under 35 U.S.C. 102(e). Claims 2-11, 13-20 and 22 are rejected at least by virtue of their dependency on independent claims 1, 12 and 21 and by other reasons set forth in the previous Office Action (paper #3, mailed on 8/28/2001).

Based on the Examiner's statements above, it appears that the Examiner believes that simply because the Wolff reference teaches communication with servers and the redirection of requests from a first server to an administrative server that may then redirect the request to another server based on load balancing criteria, that somehow this is the exact same thing as a server responding to requests directed to a set of server names

---

<sup>1</sup> It should be noted that the present rejection is under 35 U.S.C. § 102(e) and thus, any alleged "suggestions" are not relevant to the present rejection. However, Applicant respectfully submits that the Wolff reference does not provide any suggestion to modify the Wolff reference to arrive at Applicant's claimed invention for the reasons stated herein and in the Response filed November 26, 2001.

and executing a function in a server name context on the server as directed by the input specifying the server name. Applicants respectfully disagree.

None of the servers described in Wolff respond to a set of server names. Quite the contrary - each server in Wolff responds to one and only one server name. While Wolff does teach redirection of requests to memory resources based on a load balancing mechanism or determination that a server is not available, e.g., due to a failure, such redirection is not the same as a server responding to a set of server names. Rather, in the mechanism of Wolff, as clearly described in the very section cited by the Office Action (column 6, line 31 to column 7, line 58), a client makes an I/O request for a file system 122 on a memory resource 118, requests for this resource being handled by server 106B. The server 106B passes the request onto the administrative server 104B which then determines if the client has access privileges, determines if additional memory space needs to be allocated, and then returns a block list to the server 106B which then handles subsequent reads/writes to the blocks in the block list. In this way, the Wolff mechanism allows one server to handle the administrative tasks of managing a memory resource while other servers are allowed to handle the transfer of data to and from this memory resource (column 7, lines 2-7).

The remainder of columns 7 and 8 discuss the rebalancing of I/O and administrative tasks with regard to the various memory resources. Such rebalancing involves re-mapping which available memory resources are handled by which of the servers 104C-106C (column 7, lines 65-68). Thus, for example, at a first time t1, server 104C may handle memory blocks 1-200 of a memory resource and at a second time t2, these memory blocks may be handled by a different server 105C depending on the criteria listed in column 7, lines 60-65. The configuration database records are used as a means for identifying which of the servers 104C-106C currently handle the I/O requests to a particular memory resource.

At any point, however, the servers 104C-106C only respond to one name even though they may handle different blocks of the memory resources. For example, if server 104C is handling blocks 1-200 of a memory resource and a client device wishes to write to these blocks of the memory resource, the administrative server looks to the configuration database records and determines which server is handling these blocks and

routes the request to that server. Server 104C still only answers to its own server name, e.g., "server 104C," and the administrative server must route the request to "server 104C." Server 104C does not automatically respond to any request sent to any one of a set of server names. That is, server 104C does not respond to requests directed to "server 104C," "server 104D" and server "104E", for example. There is nothing in Wolff that describes a server being able to respond to requests directed to a set of server names, as recited in independent claims 1, 12 and 21.

Since all of the servers in the Wolff network only respond to their own server name and not a set of server names, the servers in the Wolff network do not execute a function in a server name context. There is no need, in the servers of Wolff, to execute functions in a server name context because each server only responds to one server name and thus, there is no ability to have a plurality of contexts. Since there is no ability to have a plurality of contexts, there is no need to distinguish between contexts based on a server name.

By responding to requests directed to a set of server names and executing functions in a server name context, the present invention allows a single server to act as if it were multiple separate machines. Such an ability is not found in the servers of Wolff because, no matter what remapping of the memory resources is performed, the server always acts as a single server device responding to requests routed to it by the administrative server using the server's one and only name. There is nothing in Wolff that provides a single server the ability to respond to a set of server names.

In addition to the above, Wolff does not teach the specific features set forth in dependent claims 2-11, 13-20 and 22. In Applicant's Response filed November 26, 2001, Applicant presented numerous arguments detailing how the sections cited by the Examiner as allegedly teaching the features of these claims in actuality, do not teach any of the features of these claims. In response to Applicant's arguments, the Examiner merely states "Claims 2-11, 13-20 and 22 are rejected at least by virtue of their dependency on independent claims 1, 12 and 21 and by other reasons set forth in the previous Office Action (paper #3, mailed on 8/28/2001)." It should be noted that the Examiner cannot reject dependent claims merely because they are dependent from a rejected base claim. The Examiner must examine each claim on its merits and cannot

simply "wave his hand" at the specific features recited in the dependent claims. If the Examiner cannot find each and every feature of every dependent claim identically in the cited reference, the Examiner must withdraw the rejection of those claims under 35 U.S.C. § 102(e).

Moreover, the Examiner's referring to the "reasons set forth in the previous Office Action" does not rebut Applicant's specific arguments presented in the November 26, 2001 Response. Merely referring back to the original rejection does not address why the Examiner believes that Applicant's arguments are not persuasive when Applicant provides very detailed reasoning as to why the very sections cited in the original rejection do not teach what is alleged in the Office Action. Therefore, Applicant respectfully submits that claims 2-11, 13-20 and 22 define over the Wolff reference for the reasons set forth in the November 26, 2001 Response.

In addition, the Examiner responds to Applicant's assertion that the Examiner is engaging in hindsight reconstruction by merely including a form paragraph in his response that states in part "But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See in re Mclaughlin, 443 F. 2d 1392, 170 USPQ 209 (CCPA 1971)" (emphasis added). Applicant's very argument is that the Examiner did include knowledge gleaned only from Applicant's disclosure. There is nothing remotely similar to Applicant's claimed invention in the Wolff reference. Wolff is directed to a system for load balancing to determine which servers should handle I/O requests to certain memory resources whereas the presently claimed invention is directed to a mechanism in which a server responds to a set of server names and executes functions in server name contexts. Therefore, applying Wolff to the present claims involves nothing but hindsight and the Examiner must be reading into the Wolff reference, knowledge whose only source could possibly be Applicant's own disclosure.

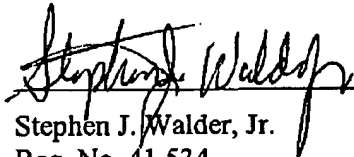
In view of the above, Applicant respectfully submits that Wolff does not teach each and every feature recited in claims 1-22 as is required under 35 U.S.C. §102(e). Applicant therefore respectfully requests withdrawal of the rejection of all of claims 1-22 under 35 U.S.C. § 102(e).

## II. Conclusion

It is respectfully urged that the subject application is patentable over Wolff and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: March 8, 2002



Stephen J. Walder, Jr.  
Reg. No. 41,534  
Carstens, Yee & Cahoon, LLP  
P.O. Box 802334  
Dallas, TX 75380  
(972) 367-2001  
Attorney for Applicant